

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:11-cr-00058-RLV**

UNITED STATES OF AMERICA,)	
)	
v.)	PRELIMINARY ORDER OF
)	FORFEITURE
ROBERT JOHNATHAN BUCHANAN,)	
)	
Defendant.)	
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THIS MATTER is before the Court on the Government's Motion for Preliminary Order of Forfeiture. (Doc. 35.) The Bill of Indictment in this case included a notice of forfeiture, as required by Federal Rule of Criminal Procedure 32.2(a). (Doc. 1.) On October 31, 2012, Defendant Buchanan pleaded guilty to Count One as set forth in the Indictment, which charges Defendant with possession of a firearm after having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1). (Doc. 32.) The Court finds that the requisite nexus has been established between the Savage Mark II .22-caliber rifle, serial number 0985296, as specified in the Indictment, and the offense to which Defendant Buchanan has pleaded guilty, and that this rifle is subject to forfeiture per 18 U.S.C. § 924(d).

IT IS, THEREFORE, ORDERED that Defendant's interest in the Savage .22-caliber rifle be forfeit and that such forfeiture be subject to any and all third-party claims and interests pending final adjudication. Pending final adjudication, the Government is authorized to maintain custody of the rifle and is to publish or send any notice pursuant to Federal Rule of Criminal Procedure 32.2(b)(6). Any person, other than Defendant, asserting any legal interest in the specifically identified property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the Court for a hearing to adjudicate the validity of the

alleged interest. *See* 21 U.S.C. § 853(n); 28 U.S.C. § 2461(c). Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this Order shall become the final order and judgment of forfeiture, as provided by Federal Rule of Criminal Procedure 32.2(c)(2), and the United States shall have clear title to the property and shall dispose of the property according to law.

Signed: January 15, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

